

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ERIC DAVID HOFFERT,

Petitioner,

v.

JACKIE CRAWFORD, DIRECTOR, et
al.,

Respondents.

2:06-CV-00201-PMP-GWF

ORDER

Before the Court for consideration is Petitioner Eric David Hoffert's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, (Doc. #1) filed February 17, 2006. The petition has been fully briefed, and based upon the record before the Court and the arguments presented at the hearing conducted on January 3, 2008, the Court makes the following findings on the merits.

Factual and Procedural Background

On February 10, 2004, Petitioner was convicted pursuant to a plea entered under North Carolina v. Alford, 400 U.S. 25 (1970), of One Count of Attempted Sexual Assault of a Minor Under the Age of Sixteen Years, and Two Counts of Lewdness with a Child Under the Age of Fourteen Years. Petitioner was sentenced in the State district court to three concurrent terms of 48 to 120 months in the Nevada State prison, to run concurrently with a previous conviction sustained in the State of Arizona.

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1 of affirmance filed December 6, 2005. Petitioner has failed to show entitlement for relief
2 under Strickland v. Washington. He has also failed to show that the Order of Affirmance
3 entered by the Nevada Supreme Court constituted an unreasonable application of clearly
4 established Federal law or that it was based on an unreasonable determination of the facts in
5 light of the evidence presented at the State court proceedings.

6 **IT IS THEREFORE ORDERED** that Petitioner Eric David Hoffert's Petition
7 for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, (Doc. #1) is DENIED.

8 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly.

9 **IT IS FURTHER ORDERED** that the Petitioner is DENIED a Certificate of
10 Appealability.

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12 DATED: January 23, 2008.

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15 PHILIP M. PRO
16 United States District Judge
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